



#10/Rto
7/25/02
HAYES

Attorney Docket No.: 225/49355
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

AXEL SCHAMAL

Group Art Unit: 2859

Serial No.: 09/674,852

Examiner: T. Reis

Filed: December 14, 2000

For: DEVICE FOR DETERMINING THE POSITION OR SIZE OF A HOLE

RECEIVED
TECHNOLOGY CENTER 2800
JUL 17 2002

REQUEST TO RESTART PERIOD FOR REPLY AND TO
WITHDRAW FINALITY OF OFFICE ACTION DATED JUNE 17, 2002

Commissioner for Patents
Washington, D.C. 20231

Sir:

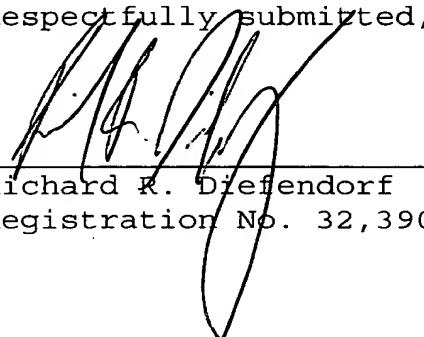
In sections 3 and 5 on pages 2-3 of the Office Action dated June 17, 2002 (Paper No. 11), the Examiner refers to U.S. Patent 3,068,573 to Sidwell. However, it appears that the Sidwell patent has not been made of record by the Examiner, and no copy of the Sidwell patent has been supplied to the undersigned. Accordingly, it is respectfully requested that the undersigned be supplied with a copy of the Sidwell patent, and that the period for reply be reset pursuant to M.P.E.P. §710.06.

Additionally, it is respectfully requested that the finality of the Office Action dated June 17, 2002 be withdrawn.

M.P.E.P. §706.07(a) provides that second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection neither necessitated by applicant's amendment nor based on information submitted in certain information disclosure statements (emphasis added). In the present case, no amendment was made by the Reply filed May 7, 2002, and the new ground of rejection presented was not necessitated by either an amendment or information submitted in an information disclosure statement. It follows that the finality of the Office Action dated June 17, 2002 (Paper No. 11) should be withdrawn.

Respectfully submitted,

Date: July 16, 2002


Richard K. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy